



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,454	08/22/2005	Herrmann Rabe	30931/L50092	5622
4743 7590 01/07/2009 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER RINEHART, KENNETH	
			ART UNIT 3743	PAPER NUMBER
			MAIL DATE 01/07/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/16/2008 have been fully considered but they are not persuasive. Applicant's arguments are directed toward the combination of the mobile plate rack and the oven and that Oslin does not suggest such a combination. As stated in the first action, claim 1 is directed towards a door and the claim fails to positively recite a mobile plate rack. Therefore, the original 35 U.S.C 102(b) rejection of claims 1-3 and 5-9 reads on the claimed subject matter as prior art. Furthermore, Oslin teaches a mobile plate rack (cooking chamber 16 receives rack 18, which is separate and mobile, Oslin Fig. 3. Regarding the amended claims, Buday teaches a plate rack bar and Rhoads teaches a sealing plate.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,732,614 to Oslin (Oslin) in view of US 5,568,802 to Buday et al. (Buday) and in further view of US 3,861,378 to Rhoads et al. (Rhoads).

In reference to claim 1

Oslin discloses a **combination of a** door (32, Fig. 4) for closing a cooking compartment (chamber 16) of a cooking appliance (food processing apparatus 10), **and**

Art Unit: 3743

a mobile plate rack (16 receives rack 18, which is separate and mobile) **for use with the cooking appliance** (10), **the combination comprising:** a mobile plate rack (18) adapted to be inserted in the cooking appliance (18 has been inserted in 16 as can be seen in Fig. 4).

Oslin does not teach that the mobile plate rack has **a mobile plate rack bar and a sealing plate, the sealing plate** for sealing **an opening of the** cooking compartment in a region of the mobile plate rack bar **when the mobile plate rack is inserted in the cooking** appliance.

Oslin discloses **a** door with a captively mounted replacement sealing plate (33, Col. 3 lines 50-53 and see Fig. 4), which is movable between a rest position (see Fig. 3 where inner panel 33 is in the rest position connected with outer panel 32) and an operating position (see Fig. 4 where the inner panel detaches and swings into place as a sealing plate) in which it serves as a replacement for the sealing plate of the mobile plate rack (the claim language is describing a double door, which Oslin clearly teaches in Fig.4, the oven of Oslin is also capable of receiving a mobile plate rack that seals the chamber 16) **when the mobile plate rack is not inserted in the cooking appliance** (when the rack 18 is removed from the chamber, the inner panel of Oslin 33 is still capable of sealing the chamber).

Oslin does not teach a mobile plate rack that has a cart with wheels that can slide into the chamber and seal off the cooking chamber.

Buday teaches an oven with a plate rack (43 and 45, Fig. 6) has **a mobile plate rack bar** (see 47a and 47b which form the support frame for 20). Buday does not teach

Art Unit: 3743

a sealing plate that is made integral on the mobile plate rack. Buday does however teach that the legs 47a and 47b seal part of the oven compartment, see Fig.1 where the legs of the cart fit flush with the oven door frame).

Rhoads teaches an oven with a mobile plate rack (see the cart in Fig. 2 and lines 64-68) **and** a sealing plate (bottom portion 43 seals the bottom of the oven), **the sealing plate** (43) for sealing **an opening of the** (bottom portion of the oven is removed see Fig. 1) cooking compartment in a region. Rhoads does not teach a mobile plate rack bar.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Oslin with Buday and Rhoads for the purpose of having a mobile plate rack that had both a support such as the mobile plate rack bar as claimed and a sealing plate built into the cart so that when the cart is inserted into the oven chamber it would seal the chamber during a cooking cycle. All of the claimed elements were known in prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

In reference to claim 2

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 1, wherein the replacement sealing plate is displaceable (see Fig. 3 and 4 of Oslin where the inner panel 33 is in a closed and open position respectively and clearly displaceable).

Art Unit: 3743

In reference to claim 3

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 2, wherein the door further comprises an outer door frame (34a, 34b, 34c and 38 of Oslin), and **wherein** the replacement sealing plate (33 of Oslin), in the rest position, is arranged parallel and adjacent to the outer door frame (see Fig. 3 and 7 of Oslin, Col. 3 lines 50-53 “nesting relation”).

In reference to claim 5

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 1, wherein the replacement sealing plate is pivotable (see column 3 lines 50-55).

In reference to claim 6

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 5, wherein the replacement sealing plate is pivotable by at least 180 degrees (see Fig. 5 where Oslin shows a mounting that projects beyond the outer door frame making the replacement sealing plate capable of pivoting at least 180 degrees).

In reference to claim 7

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 5, wherein the door further comprises an outer door frame (34a, 34b, 34c and 38), and **wherein** the replacement sealing plate (33 of Oslin), in the rest position, is arranged parallel and adjacent to the outer door frame (see Fig. 3 and 7 of Oslin, Col. 3 lines 50-53 “nesting relation”).

In reference to claim 8

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 5, wherein the replacement sealing plate (33 of Oslin) is pivotable by two pivot bearings (33 is hinged at both ends 34a and 34b) on each side thereof (see Column 4 lines 50-54).

In reference to claim 9

Oslin in view of Buday and in further view of Rhoads discloses the **combination** as claimed in claim 8, wherein the two pivot bearings (33 is hinged at both ends 34a and 34b) on each side are vertically spaced from each other (see Col. 4 lines 50-54).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIEL A. BERNSTEIN** whose telephone number is

Art Unit: 3743

(571)270-5803. The examiner can normally be reached on Monday-Friday 8:00 AM - 5:00 PM EDT.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAB

/Kenneth B Rinehart/
Supervisory Patent Examiner, Art Unit 3743